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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,370

05/11/2007

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PA040001

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24498

7590

08/04/2008

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EXAMINER

TILLERY, RASHAWN N

ART UNIT

PAPER NUMBER

2174

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,370	<b>Applicant(s)</b> AU ET AL.	
	<b>Examiner</b> RASHAWN TILLERY	<b>Art Unit</b> 2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 8-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/23/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed 6/23/2006.
2. Claims 1-24 are pending in this application. Claims 1-7 were amended, claims 8-17 were canceled and claims 18-24 were added.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mercer et al ("Mercer", US7043477).

Regarding claim 1, Mercer discloses a device for playback of multimedia files, including means for changing the sorting order and/or the playback order of a plurality of multimedia files, wherein upon changing the sorting order and/or the playback order of the multimedia files the currently selected multimedia file is kept and the new sorting order and/or playback order is determined by at least one property of the currently selected audio file, and wherein the means for changing the sorting order and/or the

playback order include a button for changing the order by running through a predefined sequence of properties of the currently selected multimedia file (see col. 5, lines 22-36 where shuffling and repeating play lists is discussed).

Regarding claim 2, Mercer discloses including means for giving a feedback of the sorting order and/or the playback order (see col. 5, lines 22-36 where viewing play lists is discussed).

Regarding claim 3, Mercer discloses the means for giving a feedback of the sorting order and/or the playback order give an acoustical feedback (see col. 5, lines 22-36 where audio is discussed).

Regarding claim 4, Mercer discloses the means for giving a feedback of the sorting order and/or the playback order give an optical feedback (see col. 5, lines 22-36 where the image sequence is discussed).

Regarding claim 5, Mercer discloses the means for giving a feedback of the sorting order and/or the playback order include a display (see fig 10, #188).

Regarding claim 6, Mercer discloses the display displays information about at least one multimedia file of the plurality of multimedia files (see col. 9, lines 9-32 where the display of title, author, song, etc is discussed).

Regarding claim 7, Mercer discloses the display displays information about at least two multimedia files of the plurality of multimedia files, and wherein means are provided for marking a currently selected multimedia file (see col. 9, lines 9-32 where the display of title, author, song, etc is discussed; also col. 19, lines 49 to col. 20, line 6).

Regarding claim 21, Mercer discloses the properties of the multimedia files used

for determining the sorting order and/or the playback order are user-definable (see col. 20, lines 7-41 where user selection is discussed).

Regarding claim 22, Mercer discloses the properties of the multimedia files used for determining the sorting order and/or the playback order are included in the multimedia files (see col. 9, lines 9-32 where the display of title, author, song, etc is discussed).

Regarding claim 23, Mercer discloses the properties of the multimedia files used for determining the sorting order and/or the playback order are stored in the device for playback of multimedia files (see col. 20, lines 7-41 where the music library is discussed).

Regarding claim 24, Mercer discloses the properties of the audio files used for determining the order include at least one of artist, album, genre, release year, number of accesses, last access, creation date, length, and weighting (see col. 9, lines 9-32 where the display of title, author, song, etc is discussed; also col. 19, lines 49 to col. 20, line 6).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mercer.

Regarding claims 18-20, Mercer does not explicitly disclose the means for changing the sorting order and/or the playback order of the currently selected multimedia file. However, Official Notice is taken that the use of a specific button or multiple buttons for rearranging the playback order of a multimedia file is well known in the art. It would have been obvious to an artisan at the time of the invention to include any variation of such a feature with Mercer's multimedia player as a matter of design choice.

### ***Inquiries***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is 571-272-6480. The examiner can normally be reached on M-F 8 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SY D. LUU/  
Primary Examiner, Art Unit 2174

RNT